

REMARKS

The Office Action of September 2, 2008, has been carefully reviewed and these remarks are responsive thereto. Claims 10, 11, 22, and 23 have been canceled in the present paper. Claims 1-8, 12-20, and 24-26 are pending. No new matter has been added.

Applicant thanks the Examiner for indicating that claims 1-3, 8, 13-15, and 20 are allowable at pages 2 and 13-14 of the Office Action. Reconsideration and allowance of the application, including the remaining claims, is respectfully requested.

Rejections Under 35 U.S.C. § 103

Claims 4-7 and 16-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0095486 A1 to Bahl (“Bahl”) in view of U.S. Patent Application Publication No. 2001/0003443 A1 to Velazquez et al. (“Velazquez”). Applicant respectfully traverses this rejection.

Amended claim 4 recites, among other features:

“ listening for a transmission by said station;
 updating said entry for said station responsive to every transmission by said station; and
 updating a basis beam based on said updated entry for said station.”

The Examiner in the Office Action at page 5 correctly indicates that Bahl fails to disclose the above-noted features related to updating an entry for a station responsive to every transmission by the station. The Examiner relies on Velazquez to allegedly remedy these deficiencies of Bahl. More specifically, the Examiner in the Office Action at pages 2-3 (“Response to Arguments”) analogizes the two-second time period used by the mobile unit 30 of Velazquez to the updating feature noted above. The Examiner contends that if the GPS location described in Velazquez is updated every 2 seconds, then updating the entry for the station is responsive to every transmission by the station. Even assuming (without admitting) that such an analogy is proper, at most the update in Velazquez is conducted with respect to a select beam. See Velazquez at paragraph [0058] (providing that the base station 20 receives the updated mobile unit location information and updates it[s] beam pattern toward the mobile unit (step 550)). Conversely, amended claim 4

recites features related to updating a basis beam based on the updated entry for the station. As such, claim 4 is allowable over the applied references, notwithstanding whether a combination of the references is proper.

Dependent claims 5-7, which depend from claim 4, are allowable for at least the same reasons as claim 4.

Amended independent claim 16 recites features similar to those described above with respect to claim 4. Thus, claim 16 is allowable for at least reasons substantially similar to those discussed above with respect to claim 4.

Dependent claims 17-19, which depend from claim 16, are allowable for at least the same reasons as claim 16.

Claims 12 and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0121810 A1 to Goransson et al. ("Goransson") in view of Velazquez. Applicant respectfully traverses this rejection.

Claim 12 recites features related to

“. . . adjusting a basis beam . . . wherein . . . said adjusting step [is] responsive to each transmitted packet received from said mobile station at said access point.”

The Examiner in the Office Action at page 8 correctly indicates that Goransson fails to disclose the above-noted features related to adjusting a basis beam as recited in claim 12. Velazquez fails to disclose the above-noted features for reasons substantially similar to those described above with respect to claim 4. As such, since Goransson and Velazquez, alone or in combination, fail to teach or suggest at least the above-noted features, claim 12 is allowable over the applied references (notwithstanding whether the combination of references is proper).

Claim 24 recites features similar to those noted above with respect to claim 12. Claim 24 is allowable for at least reasons substantially similar to those discussed above with respect to claim 12.

Claims 25 and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,043,272 B2 to Park et al. (“Park”) in view of Velazquez. Applicant respectfully traverses this rejection.

Independent claim 25 recites:

“An access point comprising:

... determining the angle of arrival of said packets ...”

Applicant incorporates herein by way of reference the substantive remarks included in the Amendment filed May 20, 2008, at pages 10-11. In short, Park at col. 8, lines 56-59 demonstrates that a terminal calculates a user pilot signal for each time area and feeds a time area number corresponding to the greatest power back to a base station. Thus, in Park, the “determining” is conducted at the terminal. Thus, notwithstanding whether the disclosures in Velazquez at paragraphs [0058]-[0069] may appropriately be analogized to the above-noted features as recited in claim 25, the combination of references is improper. More specifically, and as noted in the Amendment filed November 29, 2007, at page 10, one skilled in the art would not have had an apparent reason to combine Park and Velazquez in the manner suggested by the Office Action because the duplication of resources (in both an access point and a terminal) would represent an unnecessary waste of computing resources.

The Examiner in the Office Action at pages 3-4 (“Response to Arguments”) contends that Applicant’s assumption that the combination of Park and Velazquez results in an unnecessary waste of computing resources is irrelevant to the claimed subject matter. Applicant respectfully disagrees with the Examiner’s contention in this respect. Applicant submits that the allocation of computing resources between Park and Velazquez demonstrates that the combination of references is improper with respect to the above-noted features of claim 25, and more specifically, that the combination of references has been formed as a result of impermissible hindsight.

The Examiner in the Office Action at pages 11-13 correctly indicates that Park fails to disclose the above-noted features recited in independent claim 25. The Examiner relies on Velazquez to allegedly cure the deficiencies of Park regarding claim 25. As such, the Examiner has relied on the combination of Park and Velazquez to allegedly teach the features of claim 25. In

terms of formulating a section 103 rejection, Applicant refers to MPEP §§ 2141 and 2141.02 (VI.), which requires that references be considered as a whole.

One skilled in the art, starting from Park and taking Park as a whole, would not have had an apparent reason to modify Park to incorporate the alleged teachings of Velazquez related to performing a determination of an angle of arrival at an access point because Park devotes computing resources to performing such a determination at a terminal. More specifically, one skilled in the art would not have had an apparent reason to replicate the computing resources of the Park terminal at an access point, because doing so would unnecessarily increase the complexity of the Park system taken as a whole. As such, Applicant respectfully submits that the combination of references is improper for at least these reasons, and thus, claim 25 is allowable.

Claim 26 depends from claim 25 and is allowable for at least the same reasons as claim 25.

All rejections having been addressed, Applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same.

Respectfully submitted,
BANNER & WITCOFF, LTD.

Dated: December 4, 2008

By: /Christopher R. Glembocki/
Christopher R. Glembocki
Registration No. 38,800

1100 13th Street, N.W., Suite 1200
Washington, D.C. 20005-4051
Tel: (202) 824-3000
Fax: (202) 824-3001